

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK

KLEBER MANUEL SEAZ, SIXTO DIAZ TACURI and
CARLOS DIAZ TACURI,

Plaintiffs,

–against–

EXCELLENT BUS SERVICE INC. and ISAAC LEIB
WERTZBERGER,

Defendants.

Docket No.:

**NOTICE TO CLERK OF
REMOVAL**

**To: THE JUDGES OF THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK:**

Defendants, Excellent Bus Service Inc. and Isaac Leib Wertzberger, by their attorneys,
Lifflander & Reich LLP, allege, upon information and belief, as follows:

1. Plaintiffs, Kleber Manuel Seaz, Sixto Diaz Tacuri and Carlos Diaz Tacuri
("Plaintiffs"), have commenced an action in Supreme Court, Kings County against
defendants, Excellent Bus Service Inc. and Isaac Leib Wertzberger, entitled Kleber Manuel
Seaz, Sixto Diaz Tacuri and Carlos Diaz Tacuri v. Excellent Bus Service Inc. and Isaac Leib
Wertzberger (Index No.: 530979/2021). A true copy of the Summons and Complaint is
annexed hereto as **Exhibit "A."**

2. The above-entitled action is one which this Court has original jurisdiction
under the provisions of 28 U.S.C. § 1332 as one which may be removed to this Court,
pursuant to 28 U.S.C. § 1441, in that it is a civil action and the matter in controversy
(amount sought by plaintiff) exceeds the sum of seventy five thousand dollars (\$75,000.00),

exclusive of interest and costs, and is between citizens of different states.

3. The complaint alleges that due to Defendants' negligence, Plaintiffs were caused to sustain personal injuries and damages as a result of an automobile accident. In the Summons and Complaint, Plaintiffs allege that "at all times herein relevant" they have been residents of the State of New Jersey. Plaintiffs also allege that defendant Excellent Bus Service Inc. is a domestic corporation organized and existing under the laws of the State of New York. Plaintiffs allege that defendant Isaac Leib Wertzberger resides in the County of Kings and State of New York.

4. Defendant Excellent Bus Service Inc. is a New York Domestic Corporation with a principal place of business at 85 Seven Springs Rd, Monroe, NY 10950. Defendant Isaac Leib Wertzberger is a New York resident and resides at 541 Wythe Avenue, 18th Floor, Brooklyn, NY 11249.

5. The Summons and Complaint was served upon the Defendants within the past thirty (30) days. Therefore, removal is timely under 28 U.S.C. § 1446.

6. Accordingly, this Court has subject matter jurisdiction in this action pursuant to 28 U.S.C. § 1332, and Defendants are entitled to remove this action pursuant to 28 U.S.C. §§ 1441 and 1446. Defendants respectfully request that the action now pending against them in the Supreme Court of the State of New York, County of Kings, be removed therefrom to this Court.

7. Defendants demand a trial by jury.

WHEREFORE, defendants, Excellent Bus Service Inc. and Isaac Leib Wertzberger, hereby give notice of the removal of the action of plaintiffs, Kleber Manuel Seaz, Sixto Diaz

Tacuri and Carlos Diaz Tacuri to this Court pursuant to U.S.C. §§ 1441 and 1446, and respectfully request that this action be duly removed to this Court, and this Court accept jurisdiction of this action and henceforth that this action be placed on the docket of this Court for further proceedings, the same as though this action had originally been instituted in this Court.

Dated: New York, New York
December 15, 2021

Lifflander & Reich LLP

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